

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

HORACE GRELY DEAN, #74754,	§	
	§	
Movant,	§	
	§	
v.	§	Case No. 6:20-cv-640-JDK-KNM
	§	Criminal Case No. 6:18-cr-4-JDK
UNITED STATES OF AMERICA,	§	
	§	
Respondent.	§	
	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Movant Horace Grely Dean, a federal prisoner formerly confined at the Smith County Jail, moved to vacate, set aside, or correct his federal sentence pursuant to 28 U.S.C. § 2255. The motion was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On March 24, 2023, Judge Mitchell issued a Report recommending that the Court deny Movant's § 2255 motion and dismiss this case with prejudice. She further recommended that Movant be denied a certificate of appealability sua sponte. Docket No. 16. Based on Movant's change of address notices, copies of this Report were sent to Movant multiple times at multiple locations. To date, no objections have been filed.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law.

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Movant did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 16) as the findings of this Court. Therefore, it is **ORDERED** that Movant's § 2255 motion is **DENIED**, and this case is **DISMISSED** with prejudice. Movant is further **DENIED** a certificate of appealability sua sponte.

So **ORDERED** and **SIGNED** this **12th** day of **May, 2023**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE